

or error of judgment but merely that he broke his contract with her in that he did remove the breast. It is only fair to state that the insurance company has offered to defend the action if the physician will sign a statement acknowledging that he has no claim upon them under the policy because the action is based upon a something not specified in or covered by the policy. It is not believable that a surgeon of the prominence of the member in question would make any such contract or undertaking. Every surgeon knows that when he starts a breast operation for tumor, not only the breast but a good deal more may need taking away, and the extent of his operation he cannot foresee when he makes his incision. In all probability this case will fall to the ground, but it serves well to bring up a new point—be very careful in your statements to the patient before an operation and never undertake or contract to do a certain limited and specified thing. Furthermore, it would be very wise, in all serious operative conditions, to have the whole statement of the case and what is to be done by the surgeon regardless of limitation, specified in writing. It is true that the right of the patient to sue cannot be released by the patient in writing before an operation, but when such a statement is in evidence, it helps very much to prevent or to win a suit should such a contingency arise at some time in the future. The fact that the tendency to "sue the doctor" has so enormously increased in the last few years, should make us all very careful to leave nothing undone in the way of protection against possible future trouble. We are protecting ourselves and each other, for carelessness leading to a judgment against a physician invariably stirs up other people to sue other physicians.

#### INVESTIGATE ALL APPLICANTS.

Again must we urge all county society secretaries to send in the names of applicants to the office of the State Society for investigation and report. Membership in county units is becoming more and more valuable and important; as the medical law is broken down, from legislature to legislature, membership in a recognized medical organization of high standing will become more necessary and more valuable. Some county units are doing this now, but all are not and since the first of the year at least two societies have elected to membership physicians who, from their records in our office, would be seen at a glance to be undesirable material. Keeping track of and filing data about physicians is a very large part of the office work of the State Society and it has been done for years in order to have the information for the benefit of county units. Please remember.

#### "THE MEDICAL TRUST"

It has been whispered in the JOURNAL office, in a very emphatic whisper, that the osteopaths, and the numerous horde of drugless freaks that have been infesting Sacramento in the attempt to change the present law so as to allow almost anyone to practice medicine at his pleasure, are in a sad, sad state of mind. "The medical trust" was not at all in evidence and there was no bogey man to

howl at with rumpled hair and wildly flinging arms! It was almost unbelievable! There was no committee or official representative of the State Society—the "medical trust"—in Sacramento; there was no deep-dyed villain hanging around to secure the passage of bills that would make it difficult for the osteopath to become, in a moment, a physician and surgeon or the drugless pretender to rob and kill the sick. Not at all. There was no one to fight and to throw mud at, and they were sorely peeved. Efforts were made in several different ways to get the Society excitedly interested and so furnish the opening for howling about the "medical trust" and its pernicious activity. But nothing of that kind was doing. The President of the Board of Medical Examiners sent a carefully prepared letter setting forth the true purpose and object of a good medical law and high medical standards, to every member of the legislature; if one of them wanted actual information, it was at hand. This letter was very similar to the letter sent to Governor Johnson by the Council of the State Society—and ignored by him—two years ago. That was all. The legislators had been told what was right and it was then up to them. We were not pleading for anything and so making it possible to be slandered. The President of the board, Dr. Harry E. Alderson, also appeared before committees several times when there were hearings on the various medical bills before the legislature; but in his official capacity and to give accurate information, if desired. And even this small and dignified appearance of regular medicine was received badly and the attempt made to discredit it. An osteopath on the board, Vanderburgh, made an affidavit to the effect that last summer Dr. Alderson attempted to make a deal with him, the gist of which was that if he would vote to refuse recognition to three medical schools in San Francisco, Alderson would vote to recognize the osteopathic diploma mill in Los Angeles, and that he Vanderburgh, indignantly rejected any such dishonest bargain! Dr. Alderson filed an affidavit to the effect that the whole thing was untrue. At a committee hearing to investigate the incident, one argument was sufficient to settle the whole matter. In January 1915 Dr. Alderson was *unanimously* elected President. "Dr." Vanderburgh, then a member of the board, alleged that the dishonest bargain referred to in his affidavit was suggested to him by Alderson last year. He was asked the question, why, if he knew of this dishonest suggestion of Dr. Alderson, did he, in January, vote for him to become President of the board? There was no answer. Either Vanderburgh's memory or his ingenuity had deceived him and led him into a dirty mess. Possibly Mr. Roosevelt might apply a "shorter and uglier word." It is not possible, as yet, and without careful study, to say just what injury has been done to the law protecting the people from being preyed upon by ignorant charlatans and drugless quacks, but doubtless when the smoke has cleared away and the result is carefully studied, it will be found that the protective fence safeguarding the people in this matter, has been badly damaged.